

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ILLINOIS NATIONAL INSURANCE COMPANY, THE
INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,

Case No.: 11-CV-00431 (KBF)

Plaintiffs,

- against -

TUTOR PERINI CORPORATION,

X

TUTOR PERINI CORPORATION,

Third-Party Plaintiff,

- against -

CERTAIN UNDERWRITERS AT LLOYD'S LONDON

Third-Party Defendant.

X

**ASSENTED TO MOTION TO SUPPLEMENT STATEMENT
OF UNDISPUTED FACTS IN SUPPORT OF SUMMARY JUDGMENT**

The Third-Party Defendant, Certain Underwriters at Lloyd's, London who subscribe to Policy No. 576/UF7274400 ("Underwriters"), hereby move to supplement their statement of undisputed facts in support of their Motion for Summary Judgment. As grounds for this Motion, Underwriters state:

1. Underwriters filed their Statement of Undisputed Facts on July 27, 2012, pursuant to the Court ordered deadline.

2. Thereafter, additional witnesses were deposed, namely the depositions of James Laing and David Melick took place on July 30, 2012 and July 31, 2012, respectively.
3. Consequently, testimony elicited from Messieurs Laing and Melick could not be included in Underwriters original statement of undisputed facts.
4. Accordingly, Underwriters request leave to file the attached Supplemental Statement of Undisputed Facts which is composed of deposition testimony and exhibits from the depositions of Messieurs Laing and Melick.
5. The Third-Party Plaintiff, Tutor Perini Corp. assents to Underwriters request that they be granted leave to submit the attached supplemental statement of undisputed facts.

WHEREFORE, Underwriters request that the Court allow them to file the attached Supplemental Statement of Undisputed Facts and additional documents be made a apart of the summary judgment record.

Respectfully submitted,

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EDELMAN & DICKER LLP

By: s/ George C. Rockas

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